

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2017

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

Writ Petition No.5277 of 2017
and

W.M.P.Nos.5592, 5593 and 8291 of 2017

Tangy Enterprises Pvt. Ltd.,
rep. by its Managing Director
Emmanuel Fernandez

... Petitioner

vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 3.

2.The Revenue Officer,
Revenue Department,
Corporation of Chennai,
Rippon Buildings, Chennai - 3.

3.The Assistant Commissioner,
Corporation of Chennai,
No.120, Rajiv Gandhi Salai,
Sholinganallur, Chennai - 119.

4.The Zonal Officer,
Zone XV, Corporation of Chennai,
No.120, Rajiv Gandhi Salai,
Sholinganallur, Chennai - 119.

5.The License Inspector,
Zone XV, Corporation of Chennai,
No.120, Rajiv Gandhi Salai,
Sholinganallur, Chennai - 119.

6.The President,
Combined License Committee,
Corporation of Chennai,
No.120, Rajiv Gandhi Salai,
Sholinganallur, Chennai - 119.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a Writ of certiorarified mandamus to call for the records of the sixth respondent herein in his impugned order M.A.15.Va.Thu.Na.Ka.No.R.1/339/2015 dated 04.01.2017 and quash the same and consequently direct the respondents to issue license under Section 279 of Chennai City Municipal Corporation Act, 1919 in the name of Tangy Enterprises Pvt. Ltd., in Survey No.83/3, No.27, Beach Road, Neelangarai Village, Chennai - 41 to the petitioner.

For Petitioner : Mr.K.Krishnan

For Respondents : Ms.Karthika Ashok

ORDER

The petitioner is running a hotel. An application was made by the petitioner, seeking licence for running the hotel. The application was rejected on the ground that there is no sanctioned plan and the area falls within 500 metres from High Trade Line. It was also rejected on the ground that the petitioner has to produce the certificate from the Coastal Regulation Department that there is road on eastern side of plot and approved by it. Challenging the said order, the petitioner is before this Court.

2.Heard the learned counsel for both sides.

3.Learned counsel appearing for the petitioner would submit that the building approval has been obtained as early as 12.09.1993. Incidentally, permission has been obtained from the concerned authorities.

4.Learned counsel appearing for the respondents submits that the impugned order is perfectly in order in view of the reasons stated therein.

5.The order impugned has been passed without affording an opportunity to the petitioner to produce the documents in support of its contention. It is the specific contention that a sanctioned plan is available. Therefore, without going into the merits of the case, this Court merely permits the petitioner to give reply to the impugned order, which is treated as a preliminary one pending consideration. The petitioner is given liberty to give reply within a period of four weeks from the date of receipt of a copy of this order. A reasoned order will have to be passed by the concerned authority, on consideration of the relevant materials including the reply to be given by the

petitioner along with other material particulars. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

mmi

Sub Assistant Registrar

To

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 3.

2.The Revenue Officer,
Revenue Department,
Corporation of Chennai,
Rippon Buildings, Chennai - 3.

3.The Assistant Commissioner,
Corporation of Chennai,
No.120, Rajiv Gandhi Salai,
Sholinganallur, Chennai - 119.

4.The Zonal Officer,
Zone XV, Corporation of Chennai,
No.120, Rajiv Gandhi Salai,
Sholinganallur, Chennai - 119.

5.The License Inspector,
Zone XV, Corporation of Chennai,
No.120, Rajiv Gandhi Salai,
Sholinganallur, Chennai - 119.

6.The President,
Combined License Committee,
Corporation of Chennai,
No.120, Rajiv Gandhi Salai,
Sholinganallur, Chennai - 119.

+1cc to Mr.Krishnan, Advocate, S.R.No.23776

+1cc to Mr.Selva Kumar, Advocate, S.R.No.23901

W.P.No.5277 of 2017

EV(CO)

RS(25/04/2017)